



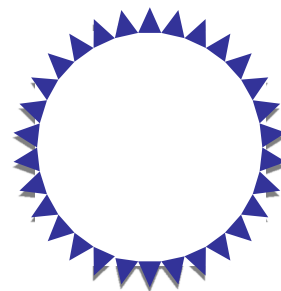
# Oglala Sioux Tribe

## ***PINE RIDGE INDIAN RESERVATION***

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President Troy "Scott" Weston

December 13, 2017

Secretary Marlene Dortch  
Federal Communications Commission  
445 12<sup>th</sup> St SW  
Washington, DC

RE: Opposition to Restoring Internet Freedom Order (WC 17-108)

Dear Members of the Commission,

On behalf of the Oglala Sioux Tribe, I write to oppose the Declaratory Ruling, Report and Order and Order titled "Restoring Internet Freedom." The United States owes our Tribe treaty obligations and a trust responsibility. For the FCC to uphold these obligations, the FCC must preserve Net Neutrality indefinitely and should not vote this item forward.

A central part of the federal trust responsibility requires the FCC to act in our best interest. The Order, however, is not in our best interest. It would result in our being charged higher premiums for "internet fast lanes" or to access specific content. It is also not in our best interest to have corporate monetary interference in our government-to-government relationship with the United States nor is it in our best interest to hinder tribal self-determination. Tribes reserve the right to determine for themselves the best future for their communities. A self-determined future requires a free and open Internet for Tribes and their members to share ideas, access knowledge and to use technology to protect trust resources.

This Order will also have significant negative financial implications for our Tribe and Indian Country as a whole. We spend our limited resources wisely, always to provide the best outcomes for our community. This Order will create an irresponsible misuse of Federal Funds to help pay for the increased costs of Internet service. Tribes' budgets and associated Federal Funds should not be used to pay multibillion dollar corporations more money to access the Internet.

Creating "Fast Lanes" and "Slow Lanes" creates an uneven playing field. Most of Indian Country is already in the "Slow Lane" and this would leave more people on the wrong side of the Digital Divide. According to the FCC, 68% of rural Tribal Lands and 41% of all Tribal Lands lack broadband access. Over 1.5 million people in Indian Country still do not have broadband access. Oglala Lakota County, within our Pine Ridge Indian Reservation, is one of the poorest counties in all of the United States. We already struggle with economic hindrances, devastating poverty and difficult obstacles in the path of progress. We need the United States to bridge the Digital Divide not make it bigger. At NCAI's Mid-Year Convention, FCC Chairman Pai announced his commitment to work with Indian Country to bridge the Digital Divide. This Order, however, will do just the opposite of that promise. The Order must be rejected.

## **Corporate Interference in the Government-to-Government Relationship**

Repealing Net Neutrality will give Internet Service Providers (ISPs) the opportunity to charge Tribes more money to access the Internet and to participate in the government-to-government relationship. Allowing the opportunity for ISPs to charge more or slow down service to access federal websites is a threat to tribes' government-to-government relationship with the United States and a violation of the federal trust responsibility.

It is commonplace for us to engage with United States' agencies through the Internet: via email, electronic public comments and electronically noticed formal consultations. This Order gives ISPs free reign to charge Tribes and their members more money to access Federal websites, including Regulations.gov and the FCC's own Electronic Comment Filing System. This is unacceptable and it will directly affect how we and other Tribes engage with the United States.

Further, under this Order, an ISP could suppress tribal views on federal government proceedings by charging us more money or slowing down service relating to public comment. This not only violates the First Amendment's right to free speech and petitioning the government, but it also profits off of the special relationship between Tribes and the Federal Government. Significantly, ISPs could limit tribal input to federal agencies to only tribes who can afford the price hikes. Pricing out Tribal comments on Federal policies violates the trust responsibility.

Our government-to-government relationship should never be "pay to play." The FCC has an obligation to provide an open and free communicative relationship between the Federal government and tribes. This Order would prevent the FCC from carrying out this obligation.

## **Self-Determination Implications**

Rural Tribal Communities, like ours, have adapted to the technological difficulties of our remote area, especially for emergency services. Often, social media, email or other Internet websites are the only way to communicate in emergencies because no other option exists for us. If the FCC allows ISPs to charge more for "Fast Lanes" for social media, our emergency response could be negatively affected as we use the Internet as a main means for communications across our Reservation.

This Order would also have implications for the management of our Trust Resources. We use the Internet to monitor and manage our homelands and natural environment throughout our Reservation. We need unfettered access to online resources and programs to manage our natural environments properly. Advanced mapping and data require substantial bandwidth which could become much more expensive for these government departments.

We also prioritize education. The potential to lose access to educational resources online will be detrimental to our members and our Tribe's future. Many Native people access their education online through online classes, research, videos and other sites that require a lot of bandwidth. If ISPs are able to charge more for educational videos, our people will not be able to afford educational opportunities that should be available to them.

This Order would also limit the use and promise of telehealth, something that is very important to the well-being of our members who live on our remote reservation. Telehealth and videoconferencing are great tools for us. However, high data video conferencing programs are the type of services this Order targets for price increases. ISPs could also deliberately slow down one telehealth service in favor of

another, which could dramatically affect the health care that our members receive. ISP companies should not be making healthcare choices for us; we need to make these healthcare choices for our people.

### **Financial Impacts**

We operate on a strict budget with very little room for the increased costs this Order would inevitably incur. Similarly, American Indians have some of the highest poverty rates in the country, nearly double the national average.<sup>1</sup> Our Reservation, unfortunately, is always one of the prime examples. We work hard for economic development and a better quality of life for our people. This Order will thwart our efforts and put up even more obstacles in our efforts toward progress.

Incurring more costs for Internet access will strain our budget. We will have to make impossible financial choices between full access to the Internet and necessary programs for our community. This is simply unacceptable.

### **Conclusion**

Our Tribe and Indian Country overall will be worse off if the FCC repeals Net Neutrality. Uphold the United States treaty obligations and trust responsibility: vote NO on this Order and preserve a free and open Internet for all.

Sincerely,

A handwritten signature in dark ink, appearing to read "Troy S. Weston". The signature is fluid and cursive, with a long horizontal stroke at the end.

Troy S. Weston  
President

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<sup>1</sup> American FactFinder, "Poverty Status in the Past 12 Months by Sex by Age: 2012 American Community Survey 1-Year Estimates, Table B17001," available at <http://1.usa.gov/1jmLtWg> (last accessed June 2014); American FactFinder, "Poverty Status in the Past 12 Months by Sex by Age (American Indian and Alaskan Native Alone): 2012 American Community Survey 1-Year Estimates, Table B17001C," available at <http://1.usa.gov/1pNq8KF> (last accessed June 2014).